IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1520 of 2006
Date of Decision: 13.11.2006

Hardial Singh ...Petitioner

Versus

Punjab State Electricity Board and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Ms. Jyoti Chaudhary, Advocate, for the petitioner.

Shri P.K. Gupta, Advocate, for respondent No.3.

JUDGMENT

The challenge in the present revision petition is to the order passed by the learned trial Court on 17.2.2006, whereby an application filed by the plaintiff to amend the plaint so as to correctly describe the account number of the electric connection of defendant No. 3, was dismissed.

The plaintiff has filed a suit for declaration to the effect that he is exclusive owner/holder and in actual possession/occupation of electric connection of five hours power bearing account No. LA3-161 on the basis of sale. However, by virtue of amendment, the plaintiff wants to plead that in fact, the correct account number of the electric connection is LA3-121. The said amendment was sought on the ground that by inadvertent mistake, the account number was wrongly mentioned and in fact electric account number LA3-161 stands in the name of Gurdial Singh son of Mavi Singh. It has been found by the learned trial Court that in fact, account numbers 161 and 121 both stand in the name of defendant-Gurdial Singh son of Inder

Singh and, therefore, the plaintiff, who was aware of the fact of the correct account number since 19.7.2001, is not entitled to the amendment as the plaintiff has failed to give any plausible explanation why this amendment was not sought at the relevant time.

After going through the order passed by the learned trial Court, I am of the opinion that the impugned order suffers from patent illegality and irregularity. The plaintiff has sought correction of the electric account number to read as 121 from the earlier one i.e. 161. The fact that both electric connections are in the name of the defendant, in fact goes to show that the plaintiff can be misled in respect of the relevant electric connection in respect of which the plaintiff has filed the suit for declaration. The amendment sought is only to correct the account number of electric connection and that the apprehension expressed by the learned trial Court that it will amount to fresh round of litigation, is misconceived. In fact, such amendment would facilitate the trial Court to properly adjudicate the suit on merits.

In view of the above, the present revision petition is allowed. The impugned order dated 17.2.2006 is set aside. The plaintiff is permitted to correct the account number of the electric connection.

13-11-2006 (HEMANT GUPTA)
ds JUDGE